

SCOTTSDALE

CITY COUNCIL MEETING



*****AMENDED*** AGENDA** (APPOINTMENT ADDED; 10/20 EXECUTIVE SESSION
MINUTES ADDED; ITEM 17A ADDED; ITEM #19 REVISED WORDING)

COUNCIL

Mary Manross, Mayor Ned O'Hearn
Wayne Ecton David Ortega
Robert W. Littlefield Tom Silverman

Tuesday, November 4, 2003

5:00 P.M.

MARKED AGENDA

CITY COUNCIL MEETING

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard - **5:03 P.M.**

Roll Call – **ALL PRESENT**

Pledge of Allegiance – **SCOUT TROOP #63 FROM KIVA SCHOOL**

Invocation – **REVEREND JACK SYLVESTER OF THE BROTHERHOOD OF MAN CHURCH**

Announcements

National Gold Medal Award – **MAYOR MANROSS**

2003 Greater Phoenix Workplace Diversity Award – **ACCEPTED BY DON LOGAN**

Presentations/Information Updates

Cultural Council Semi-annual Business Update – **FRANK JACOBSON**

***Appointment

Consider the appointment of Joseph R. Bertoldo as City Attorney – **MOTION TO APPOINT MR. BERTOLDO AS THE CITY ATTORNEY INCLUDING THE EMPLOYMENT AGREEMENT – OK – 6/0**

Boards, Commissions & Committees – **CONTINUED TO DECEMBER 8, 2003**

Board of Adjustment (2)

Building Advisory Board of Appeals (2)

Environmental Quality Advisory Board (2)

McDowell Sonoran Preserve Commission (1)

Scottsdale Pride Committee (3)

Public Comment - DANIEL BASINGER – URGED EVERYONE TO PARTICIPATE IN THE HOUSEHOLD HAZARDOUS WASTE COLLECTION DAY ON NOVEMBER 8, 2003.

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. Please check the box that refers to "public comment." This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items.

Minutes – OK – 6/0

SPECIAL MEETINGS

October 8, 2003
October 13, 2003 (4:30 P.M.)
October 13, 2003 (5:00 P.M.)
October 14, 2003
October 20, 2003

REGULAR MEETINGS

October 7, 2003

EXECUTIVE SESSIONS

August 25, 2003
August 26, 2003
September 8, 2003
September 9, 2003
September 24, 2003
October 8, 2003
October 13, 2003
***October 20, 2003

CONSENT AGENDA ITEMS 1 – 17A

1. Dirty Dogg Saloon Liquor License – MOTION TO FORWARD A RECOMMENDATION TO THE STATE TO DENY THE LIQUOR LICENSE - OK – 4/2 (M.M., D.O.)

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a person & location transfer of a series 6 (bar) State liquor license.

Location: 10409 N Scottsdale Rd

Reference: 76-LL-2003

Staff Contact(s): Robert Bushfield, Development Review and Permit Services Director, 480-312-7096, rbushfield@ScottsdaleAZ.Gov

2. Thai Thai Restaurant Liquor License - OK - C

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) State liquor license for an existing location currently operating with a series 12 license under the business name Mika.

Location: 6166 N Scottsdale Rd

Reference: 77-LL-2003

Staff Contact(s): Robert Bushfield, Development Review and Permit Services Director, 480-312-7096, rbushfield@ScottsdaleAZ.Gov

3. Colina Vista Replat – OK - C

Request: Approve replat for 16 residential lots on a 9.2+/- acre parcel.

Location: Northwest corner of Cholla Rd & Pima (101) Freeway

Reference: 12-PP-2003

Staff Contact(s): Tim Curtis, Project Coordination Manager, 480-312-4210, tcurtis@ScottsdaleAZ.gov; Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@ScottsdaleAZ.gov

4. Colina Vista Right-of-Way Abandonment – OK - C

Request:

1. Abandon all public rights-of-ways within the Colina Vista subdivision except a portion of Cholla Road.

2. Adopt Resolution No. 6386, subject to the stipulations.

Location: Northwest corner of Cholla and Pima (101) Freeway

Reference: 2-AB-2003

Staff Contact(s): Pete Deeley, Project Coordination Manager, 480-312-2554, pdeeley@ScottsdaleAZ.gov; Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@ScottsdaleAZ.gov

**5. Grayhawk Executive Center (Parcel 20b) Development Agreement Amendment – OK
W/CHANGE - C**

Request:

1. To amend an approved Development Agreement to allow access from Pima Road to a 6.82 +/- acre parcel located at the northwest corner of Thompson Peak Parkway and Pima Road.
2. To adopt Resolution No. 6388 authorizing the Mayor to execute the Amended Development Agreement No. 960046A.

Location: Northwest corner of Pima Rd. & Thompson Peak Pkwy

Reference: 46-ZN-1990#15

Staff Contact(s): Suzanne Colver, Senior Planner, 480-312-7087, scolver@ScottsdaleAZ.gov; Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@ScottsdaleAZ.gov

6. Scottsdale Airport Engineering Services Contract – OK - C

Request: Adopt Resolution No. 6387, and authorize Contract #2003-161-COS to Gilbertson Associates Inc., to provide Airport Engineering Services for Scottsdale Airport. Scottsdale Airport has a need for on-call engineering and consulting services from aviation-qualified professionals. Gilbertson Associates, Inc. was determined after competition and panel evaluation to be the most qualified provider.

Staff Contact(s): John C. Little, Jr., General Manager, Transportation, (480) 312-2539, jlittle@scottsdaleaz.gov; Scott T. Gray, Aviation Director, (480) 312-7735, sgray@scottsdaleaz.gov

7. Ingleside Inn Tract Unit 03 Annexation – OK - C

Request: Approve Ordinance No. 3530 to annex a narrow strip of Parcel 128-44-001A from the City of Phoenix. This annexation deals with one single-family lot that has been partially located in the City of Phoenix, while the existing home is within the City of Scottsdale. Approval of this ordinance would allow the property to be completely located within one City. The City of Phoenix de-annexed the land on October 15, 2003.

Location: 6002 E Carnation Cr

Reference: 2-AN-2002

Staff Contacts: Teresa Huish, Community Planner, 480-312-7829, thuish@ScottsdaleAZ.gov; Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@ScottsdaleAZ.gov

8. Engineering Services Contract for the design of Shea Boulevard intersection improvements at 90th & 92nd Streets – OK - C

Request: Authorize Engineering Services Contract No. 2003-156-COS with Kirkham Michael Consulting Engineers, in the amount of \$235,952 for design services for intersection improvements on Shea Blvd. at 90th and 92nd Street.

Related Policies, References: Bond 2000 CIP Project

Staff Contact(s): Al Dreska, Capital Project Management Administrator, 480-312-5555, adreska@scottsdaleaz.gov; Douglas G. Cullinane, P.E., Sr. Project Manager, 480-312-2681, dcullinane@scottsdaleaz.gov

9. Engineering Services Contract for evaluating design options for Indian Bend Road between Scottsdale Road and Hayden Road – OK - C

Request: Authorize Engineering Services Contract No. 2003-157-COS with URS Corporation, in the amount of \$261,730.92 for evaluating design options for Indian Bend Road between Scottsdale Road and Hayden Road, including intersection improvements and widening Indian Bend Road from two to four lanes across the wash.

Related Policies, References: Bond 2000 CIP Project

Staff Contact(s): Al Dreska, Capital Project Management Administrator, 480-312-5555, adreska@scottsdaleaz.gov; Douglas G. Cullinane, P.E., Sr. Project Manager, 480-312-2681, dcullinane@scottsdaleaz.gov

10. Construction Bid Award for Zone 12 Reservoir and Zone 13 Booster Pump Station – OK - C

Request: Authorize Construction Bid Award No. 03PB134 to Currier Construction Inc., the lowest responsive bidder, at their lump sum bid of \$4,824,280.00 for upgrades to a reservoir and pump station located at 114th St. and Dixileta, and upgrades to an existing booster pump station located at 11180 E. Dynamite Road.

Related policies, references:

- a. Water Resources Master Plan, Integrated Water Master Plan, dated September 2001.
- b. Engineering services contract 2000-030-COS for development of plans and specifications for the Zone 12 Reservoir, the Zone 13 Booster Pump Station, and the upgrades to Pump Station #100.

Staff Contact(s): Al Dreska, Capital Project Management Administrator, 480-312-5555, adreska@scottsdaleaz.gov; Doreen Song, P.E. Project Manager, 480-312-2367, dsong@scottsdaleaz.gov

11. Construction Bid Award for the Renovation of the Chaparral Park Aquatic Center Building – OK - C

Request: Authorize Construction Bid Award No. 03PB120 for Renovation of the Chaparral Pool Aquatic Center Building to S & S Paving and Construction, Inc., the lowest responsive bidder, at their lump sum bid of \$1,013,044.00.

Related Policies, References:

- a. Architectural Services Contract No.2001-116-COS with TRK Architecture and Facilities Management, Inc., to provide construction documents for the renovation of the Chaparral Pool Facility approved by Council on 8/20/01.
- b. Development Review Board approval of project (Case No. 4-DR-2003) on 3/6/03.

Staff Contact(s): Al Dreska, Capital Project Management Administrator, 480-312-5555, adreska@scottsdaleaz.gov; Doreen Song, P.E., Project Manager, 480-312-2367, dsong@scottsdaleaz.gov

12. U.S. Environmental Protection Agency Grant for Groundwater Source Protection Public Outreach – OK - C

Request: Adopt Resolution No. 6394, authorizing the City of Scottsdale to accept a groundwater source protection non-matching grant from the U.S. Environmental Protection Agency for \$26,250.

Related Policies, References:

- a. Sections 300h-7 and 300j-14 of Title42, Safe Drinking Water Act, pertaining to Source Water Assessment and Protection.
- b. Professional Services Contract No. 2001-089-COS to conduct a source water assessment, approved by City Council on September 4, 2001.

Staff Contact(s): David M. Mansfield, Water Resources General Manager, dmansfield@ScottsdaleAZ.gov; 480-312-5681, Jim Clune, Water Quality and Treatment Director, jclune@ScottsdaleAZ.gov, 480-312-8722

13. Contract for Legal Services for City of Scottsdale v. Ancala Global Company, L.C., et al. – OK - C

Request: Adopt Resolution No. 6391 authorizing the Mayor to execute Contract No. 2000-081A-COS, an outside counsel contract renewal in a maximum amount of \$125,000.00 with the law firm of Graham & Associates, LTD. for legal services regarding representation of the City of Scottsdale in the litigation entitled City of Scottsdale v. Ancala Global Company, L.C., et al., Superior Court Case No. CV 99-16269, an eminent domain action brought to acquire real property for McDowell Sonoran Preserve.

Related Policies, References: Resolution No. 6391

Staff Contact(s): Bruce Washburn, Assistant City Attorney, bwashburn@scottsdaleaz.gov, 480-312-2405; C. Brad Woodford, City Attorney, bwoodford@scottsdaleaz.gov, 480-312-2405

14. Contract for Continued Legal Services for City of Scottsdale v. Skyridge Estates, L.L.C., et al. – OK - C

Request: Adopt Resolution No. 6396 authorizing the Mayor to execute Contract No. 2000-083A-COS, an outside counsel contract renewal in a maximum amount of \$100,000.00 with Graham & Associates, LTD. for legal services in connection with City of Scottsdale v. Skyridge Estates, L.L.C., et al., Superior Court Case No. CV99-13646 brought to acquire real property necessary for the McDowell Sonoran Preserve. The contract will enable the City to continue receiving expert legal services with respect to this matter.

Related Policies, References: Resolution No. 6396

Staff Contact(s): Bruce Washburn, Assistant City Attorney, bwashburn@scottsdaleaz.gov, 480-312-2405; C. Brad Woodford, City Attorney, bwoodford@scottsdaleaz.gov, 480-312-2405,

15. P.F. Chang Rock 'n Roll Arizona Marathon – OK - C

Request:

- A. Authorize event funding in the amount of \$20,000 from the Bed Tax funds as recommended unanimously by the Tourism Development Commission (TDC) for the P.F. Chang Rock 'n Roll Arizona Marathon and Half-Marathon on January 11, 2004
- B. Approve Contract No. 2003-171-COS with Elite Racing, Inc. (Event Producer)
Authorize Resolution No. 6401 granting funding and authorizing the City to execute the agreement with the Event Producer.

Staff Contact(s): David Roderique, General Manager, Economic Vitality, 480-312-7601, droderique@scottsdaleaz.gov; Kathy Carlisle O'Connor, Tourism Development Manager, 480-312-7057, kcoconnor@scottsdaleAZ.gov

16. Police Allocation, Scheduling and Deployment Study – OK - C

Requests:

- Authorize Contract No. 2033-128-COS (RFP#03RP026) with Northwestern University Center for Public Safety consultant to analyze the current Police Department staff allocation, deployment and scheduling practices and needs.
- Authorize the use of \$79,680 in expenditure authorization from the Special Programs Fund Expenditure Contingency Budget (280-99538-52890) to the Police Department State RICO Special Programs Fund center (280-02302-52190). Racketeering Influenced Corrupt Organization (RICO) dollars of \$79,640 will fund this request.

Staff Contact(s): Alan Rodbell, Chief of Police, 480-312-5000, arodbell@scottsdela.gov; Paul Bentley, Records and Analysis Division Manager, 480-312-5095, pbentley@scottsdaleaz.gov

17. Contract modification for a third health insurance plan for all benefit eligible employees and retirees – OK - C

Request: Authorize contract modification #2003-148A-COS with Aetna Life Insurance Company to provide medical and pharmaceutical networks and discounts, and related customer support and administrative services to implement the City's self-insured \$1,000 deductible PPO health insurance option (referred to as the "Aetna Open Choice PPO").

Staff Contact(s): Neal Shearer, Human Resources General Manager, 480-312-2604, nshearer@scottsdaleaz.gov

*****17A.****Confirm the placement of Resolution No. 6324, Los Arcos Development Agreement, on the March 9, 2004 General Election ballot. – OK - C**

Request: Confirm the placement of Resolution No. 6324, Los Arcos Development Agreement on the March 9, 2004 General Election ballot (Referendum Petition No. RF-01-2003).

Related Policies, References:

- Scottsdale City Code, Article 1, Section 2-5, Call of Referendum Election, establishes the time of holding a referendum election.
- The Scottsdale City Charter establishes the time of holding general elections and run-off elections, if necessary, in even numbered years on the first calendar dates authorized by state law establishing mandatory election dates.
- Maricopa County Elections Department is statutorily required to provide voter registration and other election services and is well qualified to assist cities and towns with election operations and procedures.

Staff Contact(s): Carolyn Jagger, City Clerk, 480-312-2411, cjagger@ScottsdaleAZ.gov

Regular Agenda begins on the following page

REGULAR AGENDA ITEMS 18 - 19**18. Hotel Valley Ho Historic Preservation Incentive and Easement Agreement – OK – 5/1 (R.L.)**

Request: Approve Resolution No. 6399 approving City of Scottsdale Agreement No. 2003-175-COS with MSR Properties, LLC for providing a preservation incentive based upon a portion of the privilege and use tax proceeds generated from the historically designated portion of the property in return for a preservation easement over the historically designated Hotel Valley Ho; to realize economic vitality, historic preservation and Downtown objectives; and to receive public improvements as part of the Hotel Valley Ho revitalization.

- **Related Policies, References:** Mayor and City Council Mission and Goals; Scottsdale Historic Register; Historic Preservation Ordinance; Scottsdale General Plan; July 2002 HP rezoning; and April 2003 Historic Preservation Plan; and March 2003 Historic Preservation Program.

Staff Contact(s): Robert Cafarella, AICP, Director, 480-312-2577, rcafarella@scottsdaleaz.gov

*****19. Ordinance creating a Commission to administer and manage the downtown Enhanced Municipal Services District (EMSD) funding – MOTION TO ADOPT ORDINANCE No. 3532 WITH NO EXTENSION TO THE DSP CONTRACT – OK – 4/2 (D.O., M.M.)**

Request: Consider adoption of Ordinance No. 3532 to establish a seven (7) member Enhanced Municipal Services District (EMSD) Commission to administer and allocate funds within the EMSD area for marketing, promotion and special events.

Related Policies, References: City Council Report October 13, 2003 directing staff to return to Council with an ordinance to establish a commission for the EMSD.

Staff Contact(s): Ed Gawf, Deputy City Manager, 480-312-4510, egawf@scottsdaleaz.gov;

Lisa Collins, Customer Service and Communication Director, 480-312-7616, lcollins@scottsdaleaz.gov

Public Comment - NONE

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City Manager's Report - NONE

Mayor and Council Items – COUNCILMAN ORTEGA URGED COUNCIL AND THE PUBLIC TO CONTRIBUTE TO THE LOCAL FOOD BANK AT THE NEXT COUNCIL MEETING.

Adjournment – 7:52 P.M.